

Item 4

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2006/0407/DM APPLICATION DATE: 19 June 2006

PROPOSAL: **RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)**

LOCATION: **LAND NORTH EAST OF HIGH STREET BYERS GREEN
SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: A Watson
99 Mayfieds, Spennymoor, Co Durham, DL16 6TT

CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. W. Waters
3. Cllr. K Thompson
4. Cllr. C Sproat
5. DCC (PLANNING)
6. DCC (TRAFFIC)
7. NORTHUMBRIAN WATER
8. ENV AGENCY
9. ENGINEERS
10. ENV. HEALTH
11. L.PLANS
12. LANDSCAPE ARCH
13. DCC (PROWS)

NEIGHBOUR/INDUSTRIAL

Hagg Lane:1,2,7,8,Hawthorns,Old School House

Langmere:11

The Bungalow

The Cottage

Richmond Street:1,2,3,6a

Robinson Close:3

Wilkinson Street:6,8,10,12,14,16,18,1,2,3,4,5,7,9,11,15,17

High

Street:82,120,132,130,128,126,124,122,120,118,116,114,112,110,108,106,104,102,100,98,96,
95,94

St Peters Rectory

The Old Rectory

The Cherries

Vickers Street:20

Golden Corner Cottage

BOROUGH PLANNING POLICIES

H12 Housing in the Countryside for Agricultural or Forestry Workers

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THE PROPOSAL

This application seeks outline permission for residential development and means of access with details relating to siting of buildings, design and external appearance and landscaping reserved for submission at a later date. The application site is located within the residential framework of Byers Green and is a 1.18 hectare Greenfield site north east of the High Street in Byers Green and is bound to the south by a children's playground to the west, a back lane and terraced properties on the High Street, to the north by residential properties and to the east by open land and sporadic residential properties.

Access to the site is proposed via the existing side access road adjacent to number 132 High Street however in order to provide adequate visibility splays it is also proposed to demolish 132 High Street. In addition, road widening works are also proposed on High Street that involves the creation of a public footpath and the removal of the hedgerow adjacent to the allotments.

CONSULTATION AND PUBLICITY

Spennymoor Town Council has raised no objections but requested further clarification regarding the proposed removal of the hedgerow.

The County Highways Engineer has raised no objections but advised that an agreement under Section 38 / 278 of the Highways Act 1980 would be required.

The County Council Rights of Way Officer has advised that public footpath No 8 and No 6 Spennymoor Parish cross through it and have advised that should the developer wish to divert the footpaths they should contact the Rights of Way Officer. The footpaths must also not be obstructed.

The County Council Policy Section have advised that the application site lies partly within the settlement boundary and under Policy H8 of the Local Plan there is a presumption in favour of development unless the proposals conflicts with environmental, open space or design policies of the Local Plan. Policy 2 of the Structure Plan sets out that the location of new development should minimise day to day travel needs with Policy 3 giving priority to development in main towns. Policy 9 also gives priority to development in the main town but recognises that larger villages with a reasonable range of services served by public transport are suitable locations for some new housing development.

Environmental Health has advised of hours of operation for construction and control of noise in order to protect the amenity of neighbouring occupiers.

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application. To date 14 letters of objection and 5 letters of support have been received from neighbouring occupiers and full details of their comments can be viewed in Appendix 1 of this report. The main concerns are as follows:

- Realigning High Street westwards will see the removal of a well-established hedgerow. The nature of the replacement boundary is unclear, with the appearance of the finished scheme important to residents and visitors.

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- Highway safety – Further traffic growth will only intensify road safety concerns on an already busy road.
- Structural damage – Demolition of 132 High Street may result in structural damage to 130 High Street.
- Loss of views – Strong objection to the loss of views with treasured views and a peaceful haven being replaced with a building site.
- Child safety – Further development will only hinder this small village further. With an average of two cars per household, traffic will worsen and the safety of children playing at the playground is a serious concern. Keep the village as it is, quiet and peaceful and not a racetrack.

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Compliance with National Planning Policy and Guidance and Local Plan Policies.
- Impact on Ecology

Compliance with National Planning Policy and Guidance and Local Plan Policies

The application site is Greenfield land located within the residential framework of Byers Green, as defined by Policy H8 of the Borough Local Plan. This policy normally approves housing development provided that there is no conflict with the plans environmental, open space or design policies. It is also considered that the proposal is contrary to Policy H12 'Housing in the Countryside for Agricultural or Forestry workers' because notwithstanding that the application site is within the settlement boundary identified in the Borough Local Plan development of the site would result in development outside the built up area of Byers Green which is considered to be unacceptable given that the only development acceptable in the countryside is for persons engaged in agriculture or forestry.

Since the adoption of the Borough Local Plan in 1996, more recent government guidance has been produced which places a greater emphasis on LPAs to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of Greenfield sites. The presumption is that new development will use land efficiently and be well designed.

In this instance the application site is within the residential framework however when this framework boundary was drawn, over 10 years ago, it accounted for an existing outline planning permission for residential development and did not follow the natural boundary of the settlement that is considered to be the existing footpath. However, that permission expired without being implemented. Given that there has been a significant shift in Government Guidance on the use of Greenfield sites and location of development it is now considered that development on the portion of the site beyond the footpath would result in development on an agricultural field and an encroachment into open countryside that would be contrary to one of the principal criteria for defining a residential framework which is:

'Whether sites might integrate reasonably well with the scale and pattern of existing development'.

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Whilst it is acknowledged that on plan the application site is within the residential framework on site development beyond the footpath would be unacceptable, as it would result in the loss of open countryside. It should also be noted that in a recent inspectors decision for a site in Bishop Middleham the Inspector considered that the framework boundary is '*now somewhat out of date*' and that it wasn't justified to dismiss the appeal just because the proposal is on the wrong side of the boundary line. Clearly, this is relevant to this case as again it is considered that the residential framework boundary is out of date and just because the application site is within the framework the proposal should not automatically be considered acceptable in policy terms.

In addition, paragraph 31 of PPG3 provides the guidance which local planning authorities should use to assess a site's potential and suitability for housing development. All proposed housing sites should be assessed against each of the following criteria:

- The **availability of previously developed sites**;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- The **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

The Government has recently been consulting on Draft PPS3. This document will in due course replace the existing PPG3 and its associated documents, and will represent the Government's most up to date thinking on housing and as such is a material consideration in assessing planning applications.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- b) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- c) Viable – housing development is economically viable on the site.

It is considered that the given the location of the application site although within the residential framework is contrary to criteria b in that the development of land beyond the natural settlement boundary is not sustainable and would result in an encroachment into open countryside.

When appraised against the principles of Draft PPS3 and criteria from paragraph 31 of PPG3, this location performs poorly. Additionally the Borough's 'Key Issues Paper' that was out for public consultation during June 2005, identified that the focus for new housing within the Borough should be within the four main towns as these settlements have the greatest range of services and facilities.

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Regional Spatial Strategy

In terms of how the proposal accords with the Submission Draft Regional Spatial Strategy (RSS) the proposal is considered to be contrary to Policy 3 in that the development does not meet the sequential test in terms of prioritising sites for development. In this case the development of this Greenfield site is the least sustainable option identified in the RSS.

The development is also contrary to Policy 5 that relates to the locational strategy that dictates that new development should be concentrated in the conurbations and main towns, as these are the most sustainable locations where the majority of economic activity takes place.

With regard to housing, The Strategy identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 yet in the mean time it is still necessary to provide land for housing to maintain a five-year supply of housing, as stipulated in Paragraph 12 of Draft PPS3. Currently the Borough has just under a six year supply of housing thereby indicating that the release of a Greenfield site beyond the natural settlement boundary and which would result in encroachment into open countryside is unacceptable.

IMPACT ON ECOLOGY

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this case no information whatsoever has been submitted with the application that suggests either the presence or absence of any protected species and/or their habitats on the site.

The applicant has not provided an Ecological Report and as such insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

CONCLUSION

It is considered that the proposed development, although within the residential framework of Byers Green, would create an unacceptable form of development that encroaches into open countryside beyond the natural boundary of the settlement. The applicant was given the opportunity to revise the scheme so that the application boundaries coincided with what is now considered to be the established and natural boundary of the settlement. The applicant however was not prepared to amend the boundaries of the application site.

In terms of ecology the applicant has not provided an Ecological Report and as such insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

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HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION: It is recommended that planning permission be refused for the following reasons:

1. The proposed development is a windfall Greenfield site and would result in an increase in urban sprawl and an encroachment of development into the surrounding open countryside beyond the natural settlement boundary of Byers Green for which there is no demonstrable need or any agricultural justification for. As such there is no overriding reasons put forward to warrant a departure from the well-established objective of restraint. This development is therefore contrary to Policy H8 'Housing Development in larger Villages' and Policy H12 'Housing in the Countryside for Agricultural or Forestry Workers' of the adopted Sedgfield Borough Local Plan and the locational strategies contained within the Durham County Structure Plan, PPG3 'Housing', Draft PPS3 'Housing', PPS7 'Sustainable Development in Rural Areas', PPG13 'Transport', RPG1 and the Submission Draft RSS that aims to concentrate the majority of new development in the conurbations and main towns.
2. The proposal provides insufficient information regarding the impact of the development on protected species is in conflict with Policy E14 'Safeguarding Plant and Animal Species Protected by Law' and contrary to Planning Policy Statement 9 'Biodiversity and Geological Conservation'.

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APPENDIX 1

130 High Street

- Loss of amenity – Development would create a physical and visual intrusion to the surrounding countryside, leading to disturbance and loss of privacy to neighbouring properties.
- Access – Concerns regarding the proposed access to the site and the vast amounts of heavy plant required to carry out excavation and delivery of building materials. This must negotiate the new modified access without causing damage to number 130 High Street.
- Land allocation – The application site is not allocated for residential development on the Spennymoor Town Map.
- Encroachment - Development beyond the sharply defined eastern limit of the village would encroach into the open countryside. This would conflict with Policies 9 and 12 of the approved County Structure Plan.
- Land subsidence – Development would result in the excavation of drains, resulting in land subsidence and damage to an already overloaded Victorian sewerage system.
- Structural damage – Demolition of 132 High Street may result in structural damage to 130 High Street.
- Highway safety – Highway modifications will prohibit parking to front and rear of 130 High Street, and create an even bigger traffic hazard to that which already exists within an identified accident black spot.
- Child safety - Concerns over the safety of children with the new access road located adjacent to the existing recreation area.
- Removal of hedgerow - Removal of hedgerow along the western side of the High Street will expose the lock up garages and exacerbate the blind spot for drivers when leaving the lock up area.

4 Wilkinson Street, 95 High Street

- Child safety – The two new roads accessing the site will be positioned next to the children's recreation area, creating a potential hazard.
- Increased traffic – The present road system will be unable to sustain an increased volume of traffic created by development.
- Loss of allotments – Allotments should not have to be sacrificed to widen roads.

96 High Street

- Pedestrian safety – Lack of evidence of any footpath to the side of 108 High Street poses a great risk to the safety of pedestrians.
- Loss of allotments – It is unjust and unfair that years of hard work and investment into the allotments is ignored with allotments being taken away to accommodate an unwanted building site.
- Loss of views – Strong objection to the loss of views with treasured views and a peaceful haven being replaced with a building site.
- Highway safety – Further traffic growth will only intensify road safety concerns on an already busy road.

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- Child safety - With this road structure running adjacent to a children's playground, there are two areas for children to cross a potentially dangerous road, made only worse by the dangerous bend nearby.
- Use of community services – Previous developments in the village have not seen new residents contributing to village life or using local services. What is to say the same won't happen again?

82 High Street, 3 Robinson Terrace, 7 Hagg Lane, 8 Hagg Lane, 12 Wilkinson Street, 120 High Street

- Pedestrian safety – Lack of evidence of any footpath to the side of 108 High Street poses a great risk to the safety of pedestrians and property owners.
- Site access – The site access would be in a very dangerous position, just after the bend in the road. A safer option would be to access from Wilkinson Street. Although this may necessitate safe crossing points with children accessing the recreation field from Wilkinson Street and nearby back lanes.

82 High Street

- Highway safety – Existence of blind spots when pulling out of the nearby garages causes considerable concern.

104 High Street

- A loss of 'community' - Previous developments have done nothing but increase speeding through the village and antisocial behaviour. New residents do not support the local businesses or attend village activities.
- Child safety – Further development will only hinder this small village further. With an average of two cars per household, traffic will worsen and the safety of children playing at the playground is a serious concern. Keep the village as it is, quiet and peaceful and not a racetrack.

94 High Street

- A loss of 'community' - Two previous residential developments in the village have done nothing to help the village or support village business.
- Traffic – Development will see an increase in traffic on a 'village' road.
- Child safety – There is only one place for children to play in the village, with this located adjacent to the proposed entrance to the site. This is highly dangerous. If it were taken away, children would have nowhere to play.

128 High Street

- Loss of parking – The creation of larger corner pavement areas will lead to a reduction of parking spaces available. Council garages are already fully occupied with removal of more spaces only compounding problems further.
- Child safety – The playground will effectively become an 'island', with children having to cross a busy T-Junction for access.
- School size – The existing school is currently downsizing due to falling numbers. An increase in the village population will mean the school will be unable to cope.

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- Congregation of youths – Creating larger pavement areas will create natural areas for youths to congregate. There is concern surrounding youths congregating outside the recreation area, with possible privacy implications for 128 and 130 High Street also.
- Privacy – Development to the rear of 128 High Street will affect the privacy of present occupiers.
- Lack of light – Development to the rear of 128 High Street may affect the light reaching the property.
- Removal of hedgerows and loss of Greenfield land – Development will see the loss of several very old hedgerows, contravening current by-laws and seeing development on Greenfield rather than Brownfield land.
- Highway safety – An increase in traffic using High Street will intensify existing problems further. There are already concerns with the speed of cars using this road, with the repositioning of the highway against the line of garages creating a bigger blind spot than at present.
- Land allocation – The Spennymoor Town Council Forward Plan does not include fields noted in the application as suitable for residential development.
- Removal of bus stop – The proposed movement of the highway will result in the movement of the bus stop currently located close to the bend on safety grounds. This will be to the detriment of local residents.
- Population growth – Current village services and a bus service which runs only once every hour will not support a large influx of new residents.

3 Richmond Street

- Traffic – There is too much traffic already, without having more cars in the village. Accidents are waiting to happen with an increase in traffic volume (an estimated 120 vehicles+).
- Environmental concern - The removal of hedgerows and loss of meadowland will prove devastating to many plants, animals and birds. These being the very things that make the village a nice place to live in. If development is permitted the village will become a very chaotic place to live.

114 High Street

- Inadequate plans – Plans were poorly drawn, seem selective in detail and should be shown to scale to appreciate the actual impact of new roads and buildings on residents. They also fail to indicate the severity of the left hand bend in the road at the children's play area which is to be increased even further. There are no details concerning the lane running parallel to the High Street with regard to two new roads. This lack of information is worrying as it restricts residents voicing all concerns.
- Highway safety – New access roads will be hazardous to both drivers and pedestrians. They will isolate the play area, with access only via crossing busy roads. Close proximity to allotment entrances and a busy garage block is also dangerous.
- Visibility – Residents vehicles parked along High Street will hinder visibility exiting from access roads.
- Traffic – Traffic will only worsen throughout the village.
- Loss of countryside – Development will leave houses at the side of a bare, busy road on the edge of a housing estate. All pleasures of Byers Green will have been lost.
- Pollution and highway safety – Development so close to the rear of High Street would cause severe pollution from dust and noise, also causing disturbance to properties and a

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hazard to the many ramblers, residents and children who use public footpaths and surrounding lanes.

- Spoiling the 'look' of the village – Is the prospect of changing the look of the village and its road layout not reason enough to inform all village residents of plans?

Golden Corner Cottage

- Pedestrian safety – With an increase in traffic, roads will become even busier and more hazardous, not just to children but the elderly as well. Also, the loss of the public footpath to the edge of the property will result in ramblers and pedestrians walking on busy roads.
- Highway safety - An increase in traffic and High Street parking will obstruct the view when turning into and out of Hagg lane even more than existing.
- Antisocial behaviour – Older children currently use the recreational area at night with language and behaviour having been a problem for nearby residents some time. An increase in the number of new homes is bound to increase the number of children using this facility.
- Property values – Development will significantly reduce the value and saleability of our property.
- Loss of amenity – The proposed development will adversely affect quality of life due to loss of privacy and increased noise and disturbance.
- Loss of views- uninterrupted views from the rear of the property will be lost.
- General disruption – Building work will give rise to noise, dirt and disrupt village life.
- Environmental concern – Development will destroy significant areas of open farmland and hedgerows, affecting many wild animals and their habitats.

110 High Street

- Child safety – Proposed access would be dangerous for children playing in the recreation ground.
- Highway safety - Cars already speed around the corner at the war memorial and this will only worsen with further traffic, inevitably causing accidents.
- Loss of view – One of the main reasons the property was purchased in the first place.
- Wildlife – Concerns over how development will affect wildlife in the area.
- Loss of village 'feel' – Development will not improve Byers Green in any way with the 'feel' of the village gradually being lost due to previous developments.

The Old Rectory

- Highway safety – The proposed access will have poor visibility with the moving of the highway and continued on-street parking along High Street only impairing this further.
- Proposed access – The proposed access off High Street will be of a comparable width to that at Hogg Lane where vehicle movements are already proving difficult for far fewer vehicles. Is there scope for one-way entry to the site, thereby utilising another entry point (e.g. through Wilkinson Street or the gap between numbers 106 and 108?) Doing this may improve safety on the road with a bend nearby, also with half the number of vehicles using the access adjacent to the recreational area.
- Child safety – Children accessing the recreational area will have to cross the new access road. "A nightmare scenario". Suitable safe crossings must be created with traffic calming and moving of the recreational area entry gate further away from the High Street.

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- Realigning High Street westwards will see the removal of a well-established hedgerow. The nature of the replacement boundary is unclear, with the appearance of the finished scheme important to residents and visitors.
- The amount of banking-up required by the garages will be considerable considering the steep slope of the ground towards the garages.
- The siting of the bus stop opposite the proposed access road causes concern regarding traffic confusion.
- The nature of the development referred to in previous correspondence is not defined well enough, with only the means of access shown. What about traffic movements? How many units/houses?
- The introduction of a second entry point with poor visibility so close to Hagg Lane gives considerable cause for concern.

Anon

- Child safety - Added traffic will prove a hazard to users of the adjacent recreational area.
- Inappropriate scale – The proposed site not adequately suited to accommodating 68 houses.

Letters of support

11 Langmere

- Development will be a tremendous benefit to the village, increasing house values in the immediate area and redressing the balance of successful developments at the other end of the village.
- Bringing with it, new, young families.
- Proposed school will add vitality to the village.
- It will encourage the provision of more affordable housing, thereby attracting people from other towns to live and work in the area.

The Old Rectory

- An improvement over the original application – The current proposal is considered an improvement over earlier plans for the site in that it does not violate the play area that is itself an asset to the village.

The Cherries

- Loss of views should not be allowed to stand in the way of affordable housing being made available in the village.

20 Vickers Street

- Byers Green is a very pleasant village with this new application to build residential homes proving extremely desirable.

6 Wilkinson Street

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- Development such as this is essential in the best interests of Byers Green and the county as a whole.
- There is no suitable affordable housing available to young people. These people are so important to village life with proposed development counteracting the movement of young people away from the village.
- Views are nice but no one is assured of one at the cost of the best interests of the village.

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2. 7/2006/0430/DM APPLICATION DATE: 10 July 2006

PROPOSAL: **RESIDENTIAL DEVELOPMENT COMPRISING OF 58 DWELLINGS AND ASSOCIATED MEANS OF ACCESS, NEW CHANGING FACILITIES, RESURFACING OF FOOTBALL PITCH AND PROVISION OF A PLAY AREA (OUTLINE APPLICATION)**

LOCATION: **LAND OFF AMBLE WAY TRIMDON GRANGE CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: McInerney Homes NE Ltd

CONSULTATIONS

1. TRIMDON P.C.
2. Cllr. Mrs L. Hovvels
3. DCC (PLANNING)
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. ENGLISH NATURE
7. ENV AGENCY
8. WILDLIFE TRUST
9. ENGINEERS
10. ENV. HEALTH
11. VALUER
12. Lee White
13. L.PLANS
14. DCC (DESIGN)
15. DCC (PROWS)
16. SPORTS COUNC.
17. REGENERATION

NEIGHBOUR/INDUSTRIAL

Harwood

Court:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38

Northlands Park:7

Amble Way:1,2,3,4,5,6,7,8,9,10

Generator Studios

Down Terrace:20

Alnwick Avenue:1,2,3,4,5,6,7,8,9,10,11,12,13

Broadway Avenue:31

Northside Buildings

Northside

Buildings:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50

Grange Terrace:16

The Orchard

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BOROUGH PLANNING POLICIES

H8	Residential Frameworks for Larger Villages
H12	Housing in the Countryside for Agricultural or Forestry Workers
T6	Improvements in Road Safety

THE PROPOSAL

Outline planning permission is being sought for residential development and recreational facilities on land to the east of Amble Way Trimdon Grange. The application site is bounded to the north by the existing playing fields, to the east by open farmland, to the south the cemetery and to the west the existing residential development by Alexander Homes.

The housing element involves approximately 1.9 hectares of land and seeks approval for the means of access to the site which will be taken from Amble Way which is a small culs de sac consisting of 10 detached houses. Details of the siting, design and landscaping of the site have been reserved for subsequent approval. The recreational facilities involves the construction of a two room changing facility for the adjacent football pitch, upgrading the drainage and surface of the pitch, the provision of two 'mini pitches' and a toddlers play area. Approval is being sought for the means of access to the changing rooms, their siting and design. Landscaping has been reserved for subsequent approval.

The application has been accompanied by a planning statement and an indicative layout plan that shows a total of 58 dwelling. The application site boundary includes the recreation field to the north of the proposed housing site with access proposed off Amble Way. The indicative drawing is shown below:



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It should be noted that in the planning statement it is stated at paragraph 1.1 that *'all the sports and leisure facilities are contained in a separate but parallel application submitted by the Trimdons Parish Council'*. To date no planning application has been submitted.

The application has been accompanied by a planning statement. In the planning statement the applicant recognises that the proposed residential development lies outside the residential framework identified in Policy H8 'Residential Frameworks for Larger Villages' but states that the Local Plan is now 10 years post adoption and both the settlement limits and housing allocations require revisiting. In addition, as there are few brownfield sites within Trimdon Grange there are limited opportunities for sites to accommodate housing.

The applicants in their supporting statement also state that The Trimdons are an area of social and economic deprivation with a poor mix of housing and that if young families are to stay within the village then there needs to be a good mix of housing and that the proposed development would provide family homes that will help stabilise and support community facilities and services within the village such as the school and healthcare facilities.

In terms of recreation improvements the applicant states in paragraphs 9.1 of their statement that the existing two full size football pitches are *'recognised as being of poor condition and are incapable of coping with a full seasons regular usage. This is because of the quality of the surface and drainage arrangements'*. As such as part of the proposal the applicant is prepared to enter into a S106 agreement to deliver a range of community benefits that include:

- Provision of new changing rooms
- Upgrade to surface of football pitch to allow for more intensive use
- Provision of mini pitches
- New car park and access road
- The provision of a new children's play facility on site or the payment of a commuted sum towards the improvement of the existing play facility in the village.

PUBLICITY AND CONSULTATION

The County Engineer has objected to the development and has advised that the width of Amble Way is too narrow to accommodate an extension of a Type 3 – Minor Access Road into the land to the east of Amble Way. Amble Way would require road widening up to a constant 4.8 metres minimum. The junction sight visibility at the proposed access point onto the B1278 is also considered to be extremely poor to the south and would not support additional dwellings accessing onto the road at this point. The junction sight visibility to the south would therefore need to be improved significantly. The removal of the turning head to Amble Way would also need to be resolved by the applicant.

English Nature object to the development as insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law. They consider it is necessary that a protected species report with a full description of the proposal, thorough survey for protected species, clear impact assessment, defined mitigation strategy and associated delivery mechanisms is provided.

Durham County Council Policy Team has advised that priority should be given to the provision of new development on sites within or well related to the County's main towns. Structure Plan Policy 9 also gives priority to development within the County's main towns, whilst recognising that larger villages with a reasonable range of services and facilities served by public transport

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are suitable locations for some new housing development. Trimdon Grange is defined as such a place in the Local Plan.

The County Policy team have also indicated that the application is not an allocated site and would significantly extend residential development beyond the settlement boundary of Trimdon Grange. In strategic terms the application site is beyond the settlement boundary of Trimdon Grange and the proposal would conflict with Structure Plan Policies 3, 4, 9 and 14. In terms of the Regional Spatial Strategy there have been several windfall planning applications which have recently been submitted in the Borough and the cumulative impact in terms of housing numbers of these proposals should be assessed.

Environmental Health has raised no objections but offered comments on hours of operation and operation of noisy machinery.

The County Council's Rights of Way Officer has advised that Public Footpath No 24 would be affected by the proposal as it crosses the site. It is noted that the developers intend to retain this route however it is not clear from the plans how this will be achieved. It is recommended that the footpath retains an open character where possible and does not become an alley between fencing. It is also suggested that the path be tarmaced and be buffered by planting to satisfy the probable expectations of new residents.

Sport England has advised that no objections are raised and advised that the Playing Pitch Strategy gives a degree of support to the creation of junior or mini pitches and there is a general need for the growth in participation in football. The changing pavilion and parking is a facility, the need for which is identified in the Playing Pitch Strategy. This element of the development significantly enhances the quality of provision at Trimdon Grange Recreation Ground which Sport England welcomes. Should permission be granted Sport England recommended some change in the wording to the Draft Heads of Terms of the S106 agreement.

The County Assistant Archaeologist has raised an objection stating that *'the field boundaries appear to pre-date enclosure as they have the indicative curve of early boundaries rather than the ubiquitous straight lines of late 18th and 19th century enclosure. The remains of earlier agricultural management, ridge and furrow are visible on the 2001 aerial phot coverage on mapping. Bearing the above in mind, the size of the development, the greenfield nature of the site and the lack of site specific archaeological detail, we object to the application'*.

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application.

To date one letter of support and 23 letters of objection and one petition with 92 signatures objecting to the application has been received from local residents stating concerns over the following issues.

- Would lead to large increase in traffic and impact on highway safety
- Why there is a need for the changing facilities building when games are only played once per fortnight in the football season.
- The changing room facility building will act as a magnet for anti social behaviour.
- Proposal to be built on Green belt land.
- Contradicts Local and Government Policies because it is not being built within village boundary.
- Adverse affect on the character of the area.

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- Loss of amenity through additional noise and disturbance.
- Feel that there has been no prior consultation contrary to Draft Community Statement of Involvement.
- Object to the provision of a car park and changing facilities that they feel would become a “breeding ground” for anti social behaviour.

Full details of the letters of objections received are attached in Appendix 1 of this Committee report.

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Compliance with National Planning Policy and Guidance and Local Plan Policies.
- Planning Gain
- Access and Highway Safety
- Impact on Ecology

Compliance with National Planning Policy and Guidance and Local Plan Policies.

The application site is Greenfield land that is not located within the residential framework of Trimdon Grange, as defined by Policy H8 ‘Residential Frameworks for Larger Villages’ of the Borough Local Plan. This policy permits housing development provided that there is no conflict with the plans environmental, open space or design policies. This proposal is therefore inconsistent with Policy H8, as development will not take place within the confines of the residential framework. It is also considered that the proposal is contrary to Policy H12 ‘Housing in the Countryside for Agricultural or Forestry workers’ in that development outside main towns and villages is not acceptable with the only development acceptable in the countryside being for persons engaged in agriculture or forestry.

Since the adoption of the Borough Local Plan in 1996, more recent government guidance has been produced which places a greater emphasis on LPAs to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of Greenfield sites. PPS1 (Delivering Sustainable Development) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The Government set out four aims for sustainable development. These are:

- Social progress which recognises the needs of everyone;
- Effective protection of the environment;
- The prudent use of natural resources; and
- The maintenance of high and stable levels of economic growth and employment.

Clearly, the presumption is that new development will use land efficiently and be well designed. In this case the site is considered to be the unsustainable use of Greenfield land, and therefore its development is well down the sequential list in terms of the priority for development and therefore considered unacceptable.

Paragraph 31 of PPG3 states that all proposed housing sites should be assessed against each of the following criteria:

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- The **availability of previously developed sites**;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- The **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

The Government has recently been consulting on Draft PPS3. This document will in due course replace the existing PPG3 and its associated documents, and will represent the Government's most up to date thinking on housing and as such is a material consideration in assessing planning applications.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- b) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- c) Viable – housing development is economically viable on the site.

Whilst it is considered that parts (a) and (c) are likely to be easily satisfied, the key issue is whether the site complies with Section (b) because:

The site is Greenfield land, which is not located in one of the Borough's main towns, and which is located outside of the defined village framework for Trimdon Grange. Therefore when appraised against the principles of Draft PPS3 and criteria from paragraph 31 of PPG3, this location performs poorly. Additionally the Borough's 'Key Issues Paper' that was out for public consultation during June 2005, identified that the focus for new housing within the Borough should be within the four main towns as these settlements have the greatest range of services and facilities.

Regional Spatial Strategy

In terms of how the proposal accords with the Submission Draft Regional Spatial Strategy (RSS) the proposal is considered to be contrary to Policy 3 in that the development does not meet the sequential test in terms of prioritising sites for development. In this case the development of this Greenfield site is the least sustainable option identified in the RSS.

The development is also contrary to Policy 5 that relates to the locational strategy that dictates that new development should be concentrated in the conurbations and main towns, as these are the most sustainable locations where the majority of economic activity takes place.

With regard to housing, The Strategy identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 yet it in the mean time it is still necessary to provide land for housing to maintain a five-year supply of housing, as stipulated in Paragraph 12 of Draft PPS3. Currently the Borough has just under a six year supply of housing

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thereby indicating that the release of a Greenfield site outside a residential framework and which encroaches into open countryside is unacceptable.

Planning Gain

It has been demonstrated that this application is clearly contrary to planning policy, which the applicant recognises, however the question is whether the proposed planning gain in terms of upgrading the sports pitches and the potential regeneration benefits from the development in terms of providing greater choice in housing mix and supporting local facilities such as the school and health centre is enough justification to override the clear policy objections.

The submitted planning statement lacks evidence that local shops are in danger of closure and although some evidence has been provided that there is a decline in the number of pupils attending Trimdon Grange schools it is clear from Durham County Council figures that the residential development proposed would be unlikely to generate the number of pupils that would stop this decline. Therefore it is considered that this is not a significant justification to override national and local planning policy in this instance.

Regarding the improvements to the sports pitches and provision of a new car park and changing facilities it is considered that whilst these improvements would be welcomed the overall benefits do not out way the planning policy objections. The proposed changing facilities would be designed to meet the minimum specification of Sport England in terms of size and design and it is questionable as to whether this is a significant community benefit. It should also be noted that the Council's Playing Pitch Strategy identifies that there is no demand for additional pitches and the issues raised for the Trimdon area has been the quality of pitches, in particular the drainage of pitches. Whilst, improvements would be welcomed this provision is not enough to override planning policy objections and the use of Greenfield land.

In addition, it should be noted that if the principle of residential development was acceptable on this site then as it is located adjacent to amenity space then as part of the planning application it would have been unlikely that any open space provision would have been requested as part of the planning application. Instead, as has been requested on other housing sites within the Borough, a commuted sum would have been sought from the developer that could have been used to upgrade the adjacent facilities. As such an improvement to the facilities is not only achievable by allowing development on an unsustainable Greenfield site.

Access and Highway Safety

The proposed access to the development is not considered to be acceptable in terms of road width, junction sight visibility. As such, it is considered that the proposed development would result in a detrimental impact to highway safety the proposed development is considered contrary to Policy T6 'Improvements in Road Safety'.

Impact on Ecology

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

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Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this case no information whatsoever has been submitted with the application that suggests either the presence or absence of any protected species and/or their habitats on the site.

The applicant, on the application form, advised that an Ecological Report was to be submitted at a later date however no such report has been submitted. As such English Nature formally object to the development as insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

CONCLUSION

The applicant has submitted a supporting statement in conjunction with their application that states that the development is a neat and logical extension to the village. It is considered that this Greenfield application site would encroach into the open countryside, eroding away its open nature and the important role it plays in separating areas of urban development. It is considered that the proposal is unsustainable and the focus for new development should be in the main towns that are closer to jobs, wider range of services etc. Furthermore, the proposal does not perform well against Paragraph 31 of PPG3.

The applicant has not provided any information on the impact of the development on protected species and therefore it is not possible to ascertain if there would be any negative impacts.

In terms of access and highway safety the proposal would create an unacceptable form of development in terms of road width, junction visibility contrary to Policy T6 'Improvements in Road Safety'.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION

It is recommended that planning permission be refused for the following reasons. However, should members determine to grant planning permission the application must be referred to the Government Office to the North East as a Departure.

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1. The proposed development is located outside of the defined residential framework for Trimdon Grange on a windfall Greenfield site. Development of this site would result in an increase in urban sprawl and an encroachment of development into the surrounding open countryside for which there is no demonstrable need or any agricultural justification for. As such there is no overriding reasons put forward to warrant a departure from the well established objective of restraint. This development is therefore contrary to Policy H8 'Housing Development in larger Villages' and Policy H12 'Housing in the Countryside for Agricultural or Forestry Workers' of the adopted Sedgfield Borough Local Plan and the locational strategies contained within the Durham County Structure Plan, PPG3 'Housing', Draft PPS3 'Housing', PPS7 'Sustainable Development in Rural Areas', PPG13 'Transport', RPG1 and the Submission Draft RSS that aims to concentrate the majority of new development in the conurbations and main towns.
2. The proposal provides insufficient information regarding the impact of the development on protected species is in conflict with Policy E14 'Safeguarding Plant and Animal Species Protected by Law' and contrary to Planning Policy Statement 9 'Biodiversity and Geological Conservation.
3. In the opinion of the Local Planning Authority the proposed development would have a detrimental impact on traffic movements and highway safety in that the sub-standard road width of Amble Way is not capable of accommodaing upto 68 dwellings. In terms of junction visibility the proposed sight visibility at the junction of Northside Terrace and the B1278 is obstructed to the south by a boundary wall, vegetation and a large utility pole and would not support additional dwellings accessing onto the B1278 at this point. As such the development is contrary to Policy T6 'Improvements in Road Safety' and T7 'Traffic Generated by New Development' of the Sedgfield Borough Local Plan.

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APPENDIX 1

Objections

Letter from concerned residents of Trimdon Grange – Comments from Two Public meetings – No signatories

- Increased traffic will be generated adding to already difficult access, blind spots and parking problems on current access roads.
- Reference is made to the Report of Council items 6.2 and 6.4 to McInerney Homes
- The group state that McInerney homes freely admit that the application lies outside the development limits in the local plan and is not in compliance with policy H8.
- Item 5C Roads and Public access right of way – residents fear that the 20 additional parking spaces and associated access road will lead to an increase of anti social behaviour and place an extra burden on the police service.
- There is a claim that the feelings of residents have been mis-represented despite the existence of the Statement of Community Involvement and that further involvement was needed urgently.
- Residents were already reporting anti social behaviour, noise, verbal abuse, drug and alcohol abuse, crime and vandalism.
- The view from Public meetings was that rather than being beneficial to the community, the increased level of anti social behaviour arising from the development would be detrimental.
- Football field development was thought to be likely to encourage more of the current problems there including riding of quad bikes on soft turf.
- The group quote the problems anti social behaviour can cause to communities from the Sedgefield Community Safety Partnership “Stay Safe” publication
- Two play areas in Trimdon Grange had been removed due to excessive vandalism.
- Recommend the objection is withdrawn or scaled down, and that existing play areas are refurbished with a McInerney homes donation to the Borough or Parish Council.

15 Harwood Court

- Would lead to large increase in traffic and impact on highway safety.
- Believes that roads are inadequate to cope with increased traffic levels (estimates additional 90 vehicles plus additional delivery trucks etc.
- Fears for safety of their children and feels that a fatality could occur if proposal goes ahead.

21 Harwood Court

- Concern over increased traffic associated with an additional vehicles associated with the proposal.
- Feel that the proposal will give rise to an increased level of anti social behaviour around the play area, citing existing examples of problems arising from gangs of children.
- Ask why there is a need for the changing facilities building when games are only played once per fortnight in the football season.
- Argue that the changing facilities building will become a focus for additional anti social behaviour that they feel would become a “breeding ground” for anti social behaviour.

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- Refers to Appendix B from item 10 “on the Council website” “Are Public spaces and pedestrian routes overlooked and do they feel safe”

22 Harwood Court

- They are currently suffering from anti social behaviour and feel that they proposed play area site could exacerbate the situation.
- They suggest locating the play areas far away as possible from existing housing.

23 Harwood Court

- Have asked for an amendment to the proposal with respect to the site of the play area.
- They are currently suffering from anti social behaviour and feel that they proposed play area site could exacerbate the situation.
- The residents have suggested two alternative sites on an enclosed plan - Cllr Hovells agrees and Mr Barker of McInerney homes suggested that the proposed plans could be amended to take account of a different location.

24 Harwood Court

- Site access has not been mentioned in the plan.
- Anticipates disruption, pollution and noise based on previous experience.
- Feels that the changing room facility building will act as a magnet for anti social behaviour.

25 Harwood Court

- Object to the prolonged upheaval, noise and dirt coming with the provision of more high cost housing on public recreational land and rights of way.
- Argue that the development would threaten the stability of the community.
- Feel that the changing facilities would act as a magnet for vandalism and anti social behaviour based on previous experience.

1 Amble Way (Two objections submitted- both summarised below)

- Proposal to be built on Green belt land.
- Contradicts Local and Government Policies because it is not being built within village boundary.
- Poor site access leading to an additional number of unacceptable car journeys for Alnwick Avenue and Amble Way residents.
- Increased hazards and less attractive location for people living in Alnwick Avenue and Amble Way.
- Existing housing area and road layout was not designed to accommodate the new houses.
- Improvements to football pitch would be outweighed by complaints of disturbance by new proposed properties.
- States that other more suitable sites are available.

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2 Amble Way (Occupant sent two separate objections- points from both below)

- Green field site chosen outside the village boundary instead of potentially available Brownfield site in contravention of Council & Government policies.
- A Brownfield site has been identified for a similar development within the village boundary.
- Questions whether the development provides affordable housing e.g. shared ownership opportunities by reference to Section 106 agreement.
- Questions whether the developers approach complies with the Council's Planning Consultation Strategy.
- Concern over increased traffic associated with additional vehicles and houses associated with the proposal.
- High potential for accidents to children and damage to vehicles because of inadequate parking.
- Inadequate capacity of road to cope with increased traffic levels.

3 Amble Way

- The development would affect the safety and dynamics of the small close community.
- Access roads could not handle the increased volume of traffic without having an impact on public safety.

4 Amble Way

- The site to be built on is green belt land and lies outside the village boundary.
- Only access is through Amble Way- would cause severe overloading of road network along with increased parking and access problems.
- Adverse affect on the character of the area.
- Loss of amenity through additional noise and disturbance.
- Feel that there has been no prior consultation contrary to Draft Community Statement of Involvement.

5 Amble Way

- Existing access roads are barely adequate and could not cope with additional traffic levels associated with the development.
- Anticipates disruption, disruption and excessive and noise based on previous experience with construction traffic.
- Enormous potential risk of accidents, particularly near bends and in winter.
- New play area and changing rooms unlikely to be maintained due to experience with present facilities. New proposals could be a haven for youths who would engage in anti social behaviour.

6 Amble Way

- Concern over extra traffic as a result of the development and associated safety hazards.
- Existing access roads are inadequate and have dangerous bends.
- Development is not needed to maintain school rolls.
- Informed that only an additional ten properties were likely to be built.

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7 Amble Way

- Main access road is narrow and has sharp bends.
- Main access road is not designed to cope with additional traffic levels associated with the development.
- Bats, endangered species living in a field which development is to be sited on.
- New play area would attract youths who would engage in anti social behaviour.

8 Amble Way

- Existing access roads are totally inadequate for additional traffic levels associated with the development.
- Current roads are already dangerous with sharp bends.
- Additional traffic will pose an increased of accidents at the Children's play area near shops on Kielder Drive and the school.
- Amble way will not be able to accommodate extra traffic that further dwellings would generate.
- Emergency vehicle access was felt to be an area of concern.
- Believes that part of the proposed site is outside the village boundary and is being built on green belt land.
- Comments that the development doesn't provide affordable Housing for young first time buyers or homes suitable for older members of the community.
- Existing Children's play area is poorly maintained and has gone into decline – what will prevent this happening again?
- Occupants were not aware in Spring 2005 of any plans for further building work on the scale proposed

9 Amble Way

- Believe that Amble Way is too narrow and cannot therefore accommodate an expected additional 116 vehicles associated with the proposal.
- Object to the provision of a car park and changing facilities that they feel would become a "breeding ground" for anti social behaviour.
- Would not have moved into the area if they thought that an additional 58 dwellings were to be built.
- Feel that the whole idea would destroy the community of Trimdon Grange.

10 Alnwick Avenue

- Objection to anticipated problems with builders based on previous experience with respect to:
 - Contractor vehicle parking problems
 - Excessive noise levels including Evenings
 - Mess from Construction work
 - Location of construction site entrance.
- The resident also asked that Alnwick Avenue occupants are given facilities to view the plans as they aren't all able to visit the council Offices.

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21 Northside Buildings

- Feels that the value of the countryside is being diminished and that developers are driven by trying to cram the maximum number of properties possible into available land.
- Believes that if granted, the development would lead to further developments until Trimdon Grange becomes just as crammed as other local communities.

The Orchard North moors Farm, Trimdon Grange

Has supplied a petition with 92 signatories- The undersigned oppose the scheme principally on the grounds that:

- The proposal would represent a departure from the Council's planning policy as the site is outside the designated building line around Trimdon Grange, and
- The road network leading from the B1278 Salter's Lane to the proposed site is not considered to be wide enough to support the current number of homes in the area and existing levels of traffic.

The resident also cites his own individual objections that are:

- Land is unsuitable for expansion being outside of the village boundary.
- Would lead to huge increase in traffic on access roads.
- Questions the demand for type of properties proposed given difficulties of selling existing family homes
- Feels that playground and football pitches are not required and are included to help developer gain planning permission.

16 Grange Terrace Trimdon Grange

- Questions the demand for type of properties proposed and suggests that this would increase the current difficulties of selling existing older properties.
- South View and Fielder Drive are both currently very busy roads These problems would become more acute with twofold increase in Traffic and an increase in the noise and road traffic hazards.
- Inadequate site access for extra numbers of cars and questions ability of Emergency Vehicles to access the site.
- Is aware that Council had previous concerns about building existing homes in Amble Way and asks why an additional 59 homes should be considered.
- Existing play area is in a better position than the new location in the proposal- asks if the Council would be prepared to adopt maintenance of the new play area in the proposal.
- Feels that changes to Football field will be of benefit but asks why the current facility has been allowed to go into decline.
- Believes that part of the proposed site is outside the village boundary and is being built on green belt land.
- Feels that there are enough properties in the village and development is unnecessary and offers no major benefits to the community.

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31 Broadway Avenue Trimdon Village

- Objects on behalf of “numerous regular visitors to Trimdon Grange cemetery” on the grounds of invasion of privacy in a consecrated area.

20 Down Terrace, Trimdon Grange

- Inadequate site Access - South View and Kielder Drive are both currently very busy roads with poor visibility and sharp bends and can become treacherous in icy or snowy conditions. These problems would become more acute with twofold increase in Traffic.
- Increase in Traffic would lead to greater hazards for users of Children’s play area near Kielder Drive Shops.
- Questions ability of Emergency Vehicles to access site particularly through Amble Way.
- Believes the site to be exempt from being built on due it to being green belt land and asserts that village border would be altered and would require a change of law.
- Questions who will be responsible for the Children’s play area if the development were to go ahead claiming that it is currently inadequately maintained.

7 Northlands Park Trimdon Grange

- Appears to be departure from Council policy with respect to building Line around Trimdon Grange.
- Green field site chosen where two brownfield sites potentially available.
- Road Network has 90 degree bends and is at or below minimum width to serve traffic volume.
- Outline plan from Blakett & Hart shows deletion of Footpath between No’s 2-10 Amble Way.
- Type of houses proposed are beyond affordability of couples and may add to falling rolls problem for Trimdon Grange Infant Schools.

Nathaniel Lichfield & Partners Trafalgar Street Newcastle upon Tyne NE1 2LA

Objection based on issues regarding

- Highways & Access- Concerns over visibility capacity of road to serve proposed development. Estimated 600% increase in traffic volume which will contravene Policies T7 & D3.
- Ecology and Bio diversity- Loss of the Magnesian Limestone Grassland Site which contains rare grass and orchid species, included in Annex 1 of the European Communities habitats and Species Directive would contravene Policy E14.
- Layout of Development- Concerns about loss of amenity to properties of Amble Way that about the proposed development in possible contravention of Policies D1b and D5.
- Archaeology- NLP calls for the County Archaeologist to comment in light of PPG 16.
- Flood Risk – NLP consider that no information has been provided to assess the impact of the proposed development on flood risk elsewhere as required by PPG 25.

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PROPOSAL: **ERECTION OF SINGLE STOREY REAR EXTENSION**

LOCATION: **2 WAVERLEY TERRACE SHILDON DL4 2HQ**

APPLICATION TYPE: Detailed Application

APPLICANT: L Beaumont
 2 Waverley Terrace, Shildon, Co Durham

CONSULTATIONS

1. SHILDON T.C.
2. Cllr. I. Smith
3. Cllr. L. Smith
4. NORTHUMBRIAN WATER

NEIGHBOUR/INDUSTRIAL

Waverley Terrace:1,3

BOROUGH PLANNING POLICIES

H15 Extensions to Dwellings

This application would normally be determined under the approved scheme of delegation. However the applicant is an employee within Neighbourhood Services and as such the application is presented to Development Control Committee for consideration and determination.

PROPOSAL AND LOCATION

The application site, located in a predominately residential area on the northern edge of Shildon, consists of a mid terraced dwelling with a long front garden and smaller back yard, access to which is off a back lane.

The application proposes the erection of a single storey extension to the rear of the dwelling. The extension would measure 3000mm in length, 2400mm in width and 3600mm in height to the ridge of the roof; it would be set-in 600mm and would follow the building line of the dwelling. The extension would have a tiled gable end roof and consist of brick to match the existing dwelling. A window would be provided along the front elevation facing the back yard that would reach 2100mm in height.

CONSULTATION AND PUBLICITY RESPONSES

Shildon Town Council has made no comment to date.

Northumberland Water has offered no objections to the proposal.

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No other comments have been received in response to the consultation and publicity exercise.

PLANNING HISTORY

There is no planning history for the site

PLANNING CONSIDERATIONS

The proposal needs to be considered against Policy H15 of the adopted Sedgefield Borough Local Plan and the Residential Extensions Supplementary Planning Document (February 2006)

Policy H15 (Extensions to Dwellings) states that the design of all extensions should be of a size and scale that is in keeping with the existing dwelling and should not have a detrimental impact on residential amenity. Given the size of the proposed extension in comparison to overall size of the host property it is considered that the development would be of a scale that is in keeping with the existing dwelling

The design of the extension would also replicate certain aspects of the host property such as the sloping roof and would be of a standard design similar to many others throughout the Borough. It is therefore considered that the design of the extension is in keeping with the existing property. Furthermore, the development would be on the rear of the property and would not be visible in the street scene.

The Residential Extensions Supplementary Planning Document (February 2006) stipulates that applications for rear extensions should conform to the principles of the 45-degree code or that its length does not exceed 3 metres – whichever is the greater. The application as originally submitted showed the extension protruding out a total of 3500mm and therefore contravened the 45-degree code. However, following discussions with the applicant the application has been amended and the plans now show the extension projecting a maximum of 3000mm, which reduces its impact on the neighbouring property. In its revised form the proposal conforms to the 45-degree code.

There is also no potential for direct overlooking along the proposed side elevation because of the absence of any windows and the adjacent property therefore will remain largely unaffected. As such, the proposal satisfies this particular criterion of the Supplementary Planning Document.

CONCLUSION

It is considered that the proposal is of an appropriate scale and design, and would not be detrimental to the amenity of neighbouring properties. The application is therefore considered to accord with Policy H15 and the Supplementary Planning Document.
(Residential Extensions.)

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RECOMMENDATION It is recommended that the application be approved

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The external surfaces of the development hereby approved shall be only of materials closely matching in colour, size, shape and texture of those of the existing building of which the development will form a part.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

3. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plan Drawing No. 01/Rev. A dated 30th August 2006.

Reason: To ensure that the development is carried out in accordance with the approved documents.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its scale, design and its impact upon privacy, amenity, highway safety and the general character of the area.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:H15 Extensions to dwellings.Supplementary Planning Guidance Note 4: The Design of Extensions to Dwellings.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

4. 7/2006/0493/DM APPLICATION DATE: 26 July 2006

PROPOSAL: **RETENTION OF GARAGE INCORPORATING RAISED DECKING AND ERECTION OF OF 1ST FLOOR EXSTENSION TO THE REAR**

LOCATION: **12 KENSINGTON GARDENS FERRYHILL DL178LU**

APPLICATION TYPE: Detailed Application

APPLICANT: Gary Atkinson
12 Kensington Gardens, Ferryhill, Co Durham, DL17 8LU

CONSULTATIONS

1. DCC (TRAFFIC)
2. NORTHUMBRIAN WATER
3. FERRYHILL TOWN COUNCIL
4. ENGINEERS
5. Cllr. J. Higgin
6. Cllr K Conroy
7. Cllr. R A Patchett

NEIGHBOUR/INDUSTRIAL

Kensington Gardens:1,2,3,4,5,6,7,8,9,10,11,13,14
Church Lane:84,106A,104,102,100,98,96,94,92,90,88

BOROUGH PLANNING POLICIES

H15 Extensions to Dwellings

This application would normally constitute a delegated matter under the approved scheme of delegation. It is however being presented to Development Control Committee at the request of a Member of the Council because of apparent significant public concern about the proposal.

BACKGROUND

On 14th June 2006, complaints were received about development taking place at the rear of Kensington Gardens, Ferryhill. Investigations revealed that a garage extension was being built, with a raised patio area being formed on the flat roof of the extension. The applicant decided to apply retrospectively for planning permission, and to include a proposed first floor bedroom extension in the same application. Despite advice from officers, work has continued and the unauthorised development has been completed.

PROPOSAL

The application comprises two elements; the retention of the garage and raised patio, and the proposed erection of a first floor extension that has not yet been built.

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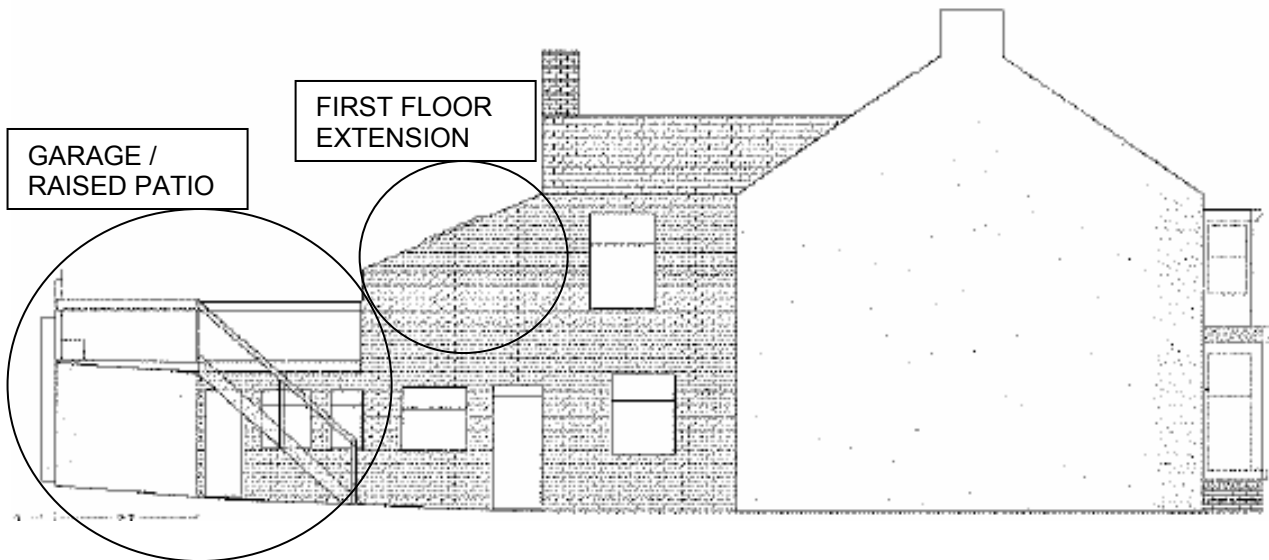
PLANNING APPLICATIONS - TO BE DETERMINED

Garage and raised patio

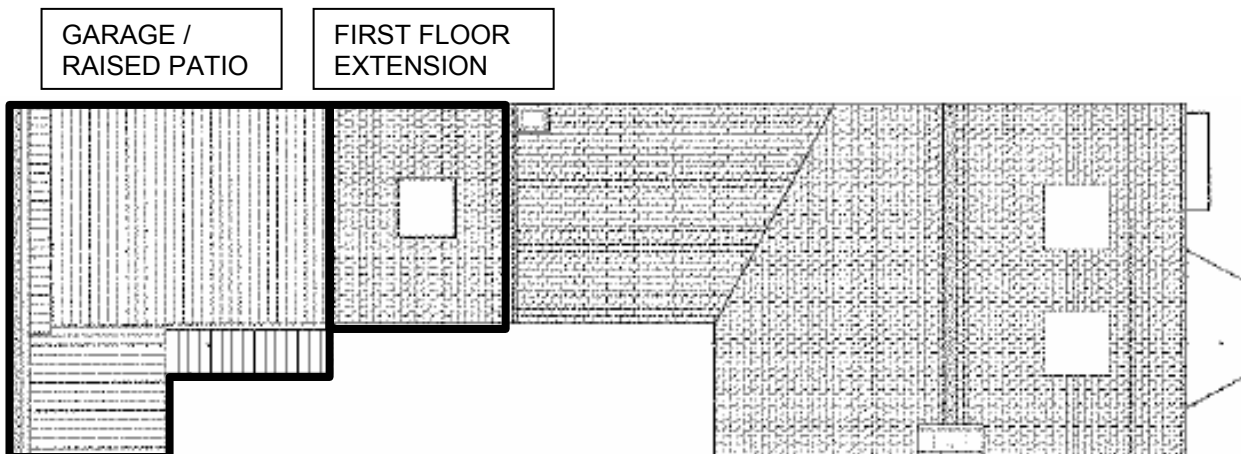
The garage has been erected in the rear yard of the property, linking an existing single storey extension and the original yard wall that runs along the back street. For part of its length it is the same width as the original extension (4 metres), but it widens to the full width of the yard (6.5 metres) behind the yard wall where it takes in an original outbuilding. The existing garage door in the yard wall has been replaced with a roller shutter type, slightly wider at 4 metres. The garage has a flat roof on which a patio area has been formed. It is enclosed with a one-metre high timber fence around its perimeter, to which planting boxes have been attached, and it is accessed by way of an external staircase from the yard area.

First floor extension

The proposed first floor extension would be constructed over an existing breakfast room to provide an additional bedroom. It would extend the existing two-storey element of the dwellinghouse by 3.4 metres, and would feature a T-fall roof containing a roof light as the sole means of illumination.



SIDE ELEVATION



PLAN VIEW

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CONSULTATION AND PUBLICITY RESPONSES

The Highway Authority and the Borough Council's Engineering Services Team have offered no objections to the proposal, but have advised that the garage door should be a roller type to avoid encroachment onto the back street. These comments are not relevant as a roller shutter door is already fitted and the wider opening should improve access from the narrow back street.

Six letters of objection have been received from local residents whose concerns can be summarised as follows:

- The raised patio allows views into private amenity areas and windows to habitable rooms, causing a significant loss of privacy and amenity
- The presence of the wooden screen fence and planting boxes on top of the garage is an eyesore and dominates the street and skyline
- A garden swing and barbeque have been placed on the raised patio, with implications for safety, noise and disturbance

There are no apparent fundamental objections to the garage or proposed extension, the overwhelming concerns relate to the raised patio, the manner in which it has been constructed, and the consequences of its use.

No response has been received from Ferryhill Town Council and no other comments have been received as a result of the consultation and publicity exercise.

PLANNING CONSIDERATIONS

Garage and raised patio

The dwellings in Kensington Gardens are substantial family homes that typically feature long front gardens and two storey extensions to the rear. Some have additional single storey extensions, and some have detached buildings at the bottom of the yard, adjacent to the back street. Five dwellings have rear extensions that run the entire length of the back yard from the main house to the back street, similar in form to the development under consideration.

The garage extension results in only a small amount of additional development as much of the structure occupies the sites of a previous garage and a store. This development has taken place behind a three-metre high yard wall that runs along the back street, and it would not be generally visible to the passer by. The patio has been formed on top of the garage, using timber framing, decking, translucent plastic sheeting and containers filled with a variety of plants. The patio is reached by way of an external timber staircase from the back yard. This element of the development is visible above the high yard wall.

Policy H15 of the Local Plan requires residential extensions to be of appropriate scale and design compatible with the property, without any adverse effect upon:

- the amenity and privacy of surrounding properties
- the general character of the area, and
- highway safety

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Further policy is expressed in the Council's Residential Extensions Supplementary Planning Document, in particular the safeguarding of amenity standards by way of the 45-degree code.

The issue of scale and design must be considered with full regard to the form of other developments in the locality. In this context the garage would be acceptable as it represents a small increase in bulk over the situation that existed before the development took place. It does not present adverse amenity problems and it would be appropriate to the character of the area.

Highway safety would not be affected by the development. It would be difficult to conclude that the development breaches the 45-degree code, as it does not significantly reduce daylighting levels from the previous position.

The raised patio area does however have various impacts. It introduces an unorthodox form of development of a design and of construction materials not normally found in such locations in a terraced housing area. It has significant visual impact upon the occupiers of no.13 Kensington Gardens, the occupiers of several properties in Church Lane, and the street scene in general. Whilst attempts have been made to create screening around the perimeter of the patio using plastic panels and vegetation, this is only partially effective and there are some views into windows and private amenity spaces of neighbouring properties from this elevated position.

It is therefore considered that this aspect of the development is damaging to the amenity and privacy of the occupiers of surrounding properties and to the general character of the area, contrary to Policy H15 of the Borough Local Plan and the Residential Extensions Supplementary Planning Document.

First floor extension

All the dwellings in Kensington Terrace feature two storey extensions. The application site is unusual in that the existing two-storey extension is not as long as the others, and the proposal would therefore bring this element of the dwelling broadly in line with the rest of the street. Those other extensions were however built many years ago, and could even be part of the original dwellings. Applying the 45 degree code to this part of the proposal shows that almost the entire first floor extension would breach the code, and it would therefore have a damaging impact upon the daylighting of no.13 Kensington Gardens, and its occupiers would have a reduced level of residential amenity.

The T-fall roof design is also considered inappropriate design, and for both these reasons, the extension is considered not to accord with the Residential Extensions Supplementary Planning Document and Policy H15 of the Local Plan.

CONCLUSION

The proposal seeks to retain development already constructed without planning permission, and proposes further development to extend the dwelling. Despite additional screening and the introduction of landscape planting around its periphery, the garage and raised patio present significant problems in terms of overlooking of immediately adjacent dwellings and those in Church Lane, which have habitable room windows within 10 metres. This aspect of the development is also discordant with the street scene and the general character of the area. The objectors echo these concerns. With the raised patio removed, the garage extension that has been constructed is considered acceptable for reasons already set out in this report, but it would not be possible to reach a split decision that would grant planning permission for that element of the development in isolation.

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The proposed first floor extension is of poor design that would be out of character with the street-scene, and would lead to significant reduction of amenity for the occupiers of 13 Kensington Gardens through loss of daylighting to habitable rooms.

For all these reasons it is considered that planning permission should be refused for the development described in the application. Furthermore, it would be insufficient merely to withhold planning permission without taking steps to resolve the issue of the breach of planning control, which has occurred to the detriment of local public interests. A recommendation is therefore made below in respect of proposed enforcement proceedings.

RECOMMENDATION: It is recommended that planning permission be refused for the following reasons:

1. In the opinion of the Local Planning Authority the garage and raised patio significantly increase the potential for the overlooking of surrounding properties and introduce inappropriate construction materials in an elevated and prominent position in the street-scene. Consequently, the development adversely affects the amenity and privacy of the occupiers of surrounding properties and the general character of the area contrary to Policy H15 (Extensions to Dwellings) of the Sedgefield Borough Local Plan and the Residential Extensions Supplementary Planning Document.

2. In the opinion of the Local Planning Authority the proposed first floor extension would be of inappropriate design and would contravene the Council's 45 degree code for the protection of daylighting of adjacent dwellings. Accordingly, the development would not harmonise with the street-scene and would adversely affect the amenity of the occupiers of no.13 Kensington Terrace contrary to Policy H15 (Extensions to Dwellings) of the Sedgefield Borough Local Plan and the Residential Extensions Supplementary Planning Document.

It is further recommended that the Director of Neighbourhood Services, in consultation with the Solicitor to the Council, be authorised to issue an enforcement notice in the following terms to remedy the breach of planning control:

Steps to be taken: Dismantle and remove the raised patio, including the surface decking, timber fence, polycarbonate sheeting, planting boxes and the external staircase which provides access to the patio.

Time period for compliance: Three months from the date on which the notice comes into effect

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