

Item 5

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2005/0546/DM APPLICATION DATE: 2 August 2005

PROPOSAL: **ERECTION OF 8 NO. DWELLINGS AND AND ASSOCIATED ACCESS ROAD (OUTLINE APPLICATION)**

LOCATION: **FORMER MIDDLESTONE MOOR YOUTH CLUB ALBION STREET SPENNYMOOR**

APPLICATION TYPE: Outline Application

APPLICANT: Spennymoor Town Council
Town Hall, Spennymoor, Co Durham

CONSULTATIONS

1. Cllr. W. Waters
2. Cllr. K Thompson
3. Cllr. C Sproat
4. SPENNYMOOR TC
5. DCC (TRAFFIC)
6. NORTHUMBRIAN WATER
7. ENGINEERS
8. L.PLANS
9. ENV AGENCY

NEIGHBOUR/INDUSTRIAL

Hirst Court:13,14,15,16,17,18,19
Community Centre
Albion Street:25,24,23
Lyne Road:28,30,32,34,36,38,40,42,44,46
High Croft:64,63,29,28,27,26,25,24,23,22,21

BOROUGH PLANNING POLICIES

H1 Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill
D5 Layout of New Housing Development
D3 Design for Access
D13 Development Affecting Watercourses
D1 General Principles for the Layout and Design of New Developments
T6 Improvements in Road Safety
T7 Traffic Generated by New Development

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PROPOSAL

Spennymoor Town Council is seeking outline planning permission for residential development on land adjacent to the Middlestone Moor Community Centre, Spennymoor. The proposal involves the redevelopment of the former Youth Club site and the existing Community Centre car park. A new car park would be created on the tarmac area (formerly a netball court) adjacent to the existing Community Centre building.

Approval is being sought for the siting of the dwellings and the means of access with design and landscaping reserved for subsequent approval. Consideration of this application is therefore limited to whether the principle of residential use is acceptable and whether the access arrangements and the siting of the dwellings are acceptable in relation to their surroundings.

SITE LOCATION PLAN



The submitted application indicates that a total of 8 dwellings would be erected on the site in the form of 8 detached properties, each with their own off-road drive space. The proposal would create a new cul-de-sac, accessed directly off Albion Street via a private access road which would be upgraded to adoptable standards.

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Submitted plans show each of the proposed dwellings to be inward looking, creating a community feel, with direct access to the site shown to be via Albion Street by way of a new road constructed to adoptable standards. If approved, this outline permission would be subject to the approval of other reserved matters including the design and external appearance of the buildings and landscaping of the site.

CONSULTATION AND PUBLICITY RESPONSES

- Durham County Council as the Highways Authority have played a significant part in the design of the access road serving the site, and following amendments have raised no objections to the proposal, subject to the imposition of conditions requiring improvement works to the Albion Street/C152 Highway Junction and the formal adoption of the access road off Albion Street.
 - The Environment Agency have raised no objections to the proposal but recommend the applicant/agent seeks advice regarding standing water and general surface water drainage issues. They have also recommended that there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways both during and after development.
 - Northumbrian Water Ltd. have also raised no objections, subject to the applicant/agent seeking further advice regarding water supply and controlling contamination to water.
 - The Council's Forward Planning Team consider that residential development of this site would be acceptable in principle, under criteria set out in Local Plan Policy H1 (Housing development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill) and D5 (Layout of New Housing Development.)

As part of the consultation and publicity exercise, site notices were also erected adjacent to the application site and all neighbouring properties were informed of the proposal. No adverse comments have been received in response to this publicity exercise.

PLANNING CONSIDERATIONS

When determining this application, the main issues for consideration are:

- The suitability of the site for residential development in terms of its location;
- Whether adequate access and parking standards can be achieved;
- Whether the layout of the site would ensure adequate privacy and amenity standards are met; and,
- How the scale and form of the development would relate to its surroundings

The suitability of the site for residential development in terms of its location

Policy H1 of the Sedgefield Borough Local Plan states that:

Housing development on sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon will normally be approved provided that the site is included in Policy H2, or

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- a) **Is either substantially surrounded by Housing, or**
- b) **Does not lead to an extension of development into the open countryside, and**
- c) **Does not prejudice the environmental restraint policies of the plan, nor**
- d) **Conflicts with design principles for new housing in accordance with Policy D5**

Plans show the application site to be surrounded by residential uses on 3 of the 4 sides. To the north, the site is bordered by a row of bungalows on Hirst Court, to the east by a row of two storey dwelling houses on Lyne Road, and to the south by more residential bungalows along Highcroft. These house types comprise a mix of detached, semi-detached and terraced properties. With the surrounding development therefore predominantly residential in nature, any further residential use on this site would be in keeping with the character of the surrounding area.

Furthermore, with a presumption in favour of developing upon Brownfield sites across the Borough, this scheme is considered to provide a valuable opportunity to meet the housing requirements of this community, whilst widening housing opportunities within Spennymoor. The site is considered to be highly accessible to jobs and services, and also has the opportunity to aid more sustainable travel patterns via walking, cycling and use of public transport. Furthermore, the proposed development is not considered to present any great burden on the existing transport infrastructure or highway network, with utilities and social infrastructure also considered to accommodate this new development satisfactorily.

In summary, the principle of housing development would be consistent with the locational requirements of PPS3 Housing, which promotes the reuse of 'Brownfield' or previously developed land for housing in preference to greenfield sites.

Whether adequate access and parking standards can be achieved

Whilst the proposal is only in outline form, details of the siting of the buildings and means of access to the site are included within the application.

As explained previously, consultation with the Highways Authority has confirmed that the access and parking arrangements are acceptable subject to improvement works to the Albion Street/C152 Road intersection and the upgrading of the private road, which leads to the application site. Furthermore, as the proposal takes in the existing Community Centre car park and would potentially displace vehicles onto the surrounding streets it is important to ensure that applicants provide a replacement car park prior to development commencing. A condition requiring the formation of the replacement car park prior to development commencing is therefore considered to be a prerequisite of any approval.

It is therefore considered that the proposal makes satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles, therefore proving consistent with Local Plan Policy D3 (Design for access.)

Whether the layout would ensure adequate privacy and amenity standards are met

Plans show the 8 proposed dwellings to face inwards, surrounding the highway access to the site, thus creating what may be considered as an enclosed community feel. All plots manage to achieve or exceed the recommended 21 metres (facing dwellings) and 14 metres (front to

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gable) spacing requirements, with plans showing the site to be fully enclosed, offering large areas of private amenity space to the rear of each dwelling. It is not considered the proposed development will have any significant adverse impact upon the neighbouring existing properties in terms of loss of amenity and intrusion of privacy and is therefore in compliance with Local Plan Policy D5 (Layout of new housing development.)

How the scale and form of the development would relate to its surroundings

The existing housing which surrounds the application site comprises a mix of bungalows and 2-storey dwellings detached, semi-detached and terraced in nature. With such a mix of house types in the immediate vicinity, this development is considered to complement its surroundings and is also of a scale which does not adversely impact upon the overall street scene.

The only significant concern regarding this proposal is the relationship created between the new dwellings and the smaller scaled bungalows to the immediate north of the site. However, in terms of loss of amenity, it is not considered that the new dwellings will significantly affect the existing bungalows in terms of overlooking or dominance. Plans show each of the proposed dwellings to be surrounded by reasonably large areas of private amenity space and set several metres away from the rear boundaries with the properties on Hirst Court, which are themselves set within reasonably sized grounds.

CONCLUSION

In conclusion, the principle of housing in this location is acceptable, as the proposal utilises a previously developed Brownfield site in a sustainable location.

It is considered that the proposed development would result in a high standard of development, with access to the site also considered acceptable subject to conditions seeking the adoption of the road and junction improvements. Furthermore, the proposed layout of the development provides an adequate standard of privacy and attractive outlook, relating well with the surrounding properties in the locality, with no significant loss of privacy or amenity to neighbouring occupiers. Finally, the development would be of a scale and design which further complements the surrounding residential uses without having a detrimental impact upon the amenity of the adjacent properties.

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 officers consider that the proposal will not undermine crime prevention or the promotion of community 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.

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RECOMMENDATION: It is recommended that planning permission be granted subject to the following conditions:

1. Before any works are commenced detailed drawings and/ or other specifications of the following reserved matters shall be submitted to and approved by the Local Planning Authority:

- a) the design & external appearance of the building(s)
- b) the landscaping of the site

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

3. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

4. Notwithstanding the details shown on the plans hereby approved, full details of the surface water and foul drainage systems shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development affecting watercourses) of the Sedgefield Borough Local Plan.

5. No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments), and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

6. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

7. Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.

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Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgefield Borough Local Plan.

8. The proposed development shall be served by a new access(es) constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety, and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

9. Prior to the commencement of the development hereby approved, the Albion Street/C152 highway junction shall be improved in accordance with details to be submitted to and approved in writing by the Local Planning Authority..

Reason: To achieve a satisfactory form of development in the interests highway safety, and to comply with Policy T6 (Improvements in Road Safety) and T7 (Traffic Generated by New Development).

10. Prior to the commencement of the development hereby approved, the car park shown on drawing no.0535/B02Rev.B shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests highway safety, and to comply with Policy T6 (Improvements in Road Safety) and T7 (Traffic Generated by New Development).

11. Before any works are commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details.

Reason: To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

12. No machinery shall be operated on the premises before 8am nor after 6pm nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that occupants of nearby properties are not adversely affected by noise from the premises, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

13. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.

Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluted Developments) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

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In the opinion of the Local Planning Authority, the outline proposal is considered to be acceptable in scale and character to its location and that of the surrounding residential area, and would not significantly harm the living conditions for nearby residents.

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 as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H1 - Housing Development in Spennymoor

D5 - Layout of new housing development

INFORMATIVE

The design of the proposed retaining wall must be approved by officers in Durham County Council's Bridges and Structures section. Advice should be sought from John Collins at Durham County regarding the correct procedure in the first instance.

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2. 7/2006/0712/DM APPLICATION DATE: 15 November 2006

PROPOSAL: **DEMOLITION OF EXISTING PETROL FILLING STATION AND
ERECTION OF 2 NO. DWELLINGS (OUTLINE APPLICATION)**

LOCATION: **OK SERVICE STATION DURHAM ROAD CHILTON CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Mr C Alexander
Ok Service Station, A167 Durham Road, Chilton, Co Durham

CONSULTATIONS

1. CHILTON P.C.
2. Cllr. C. Potts
3. Cllr. T.F. Forrest
4. Cllr. B.F. Avery
5. DCC (TRAFFIC)
6. NORTHUMBRIAN WATER
7. BUILDING CONTROL
8. HEALTH & S.E.
9. ENGINEERS
10. ENV. HEALTH
11. L.PLANS
12. LANDSCAPE ARCH
13. Rodger Lowe

NEIGHBOUR/INDUSTRIAL

Service Station Bungalows:1,2
West Chilton Farm

BOROUGH PLANNING POLICIES

- | | |
|-----|---|
| T1 | Footpaths and Cycleways in Towns and Villages |
| T5 | Movement of Freight |
| T14 | Large Telecommunications Development |

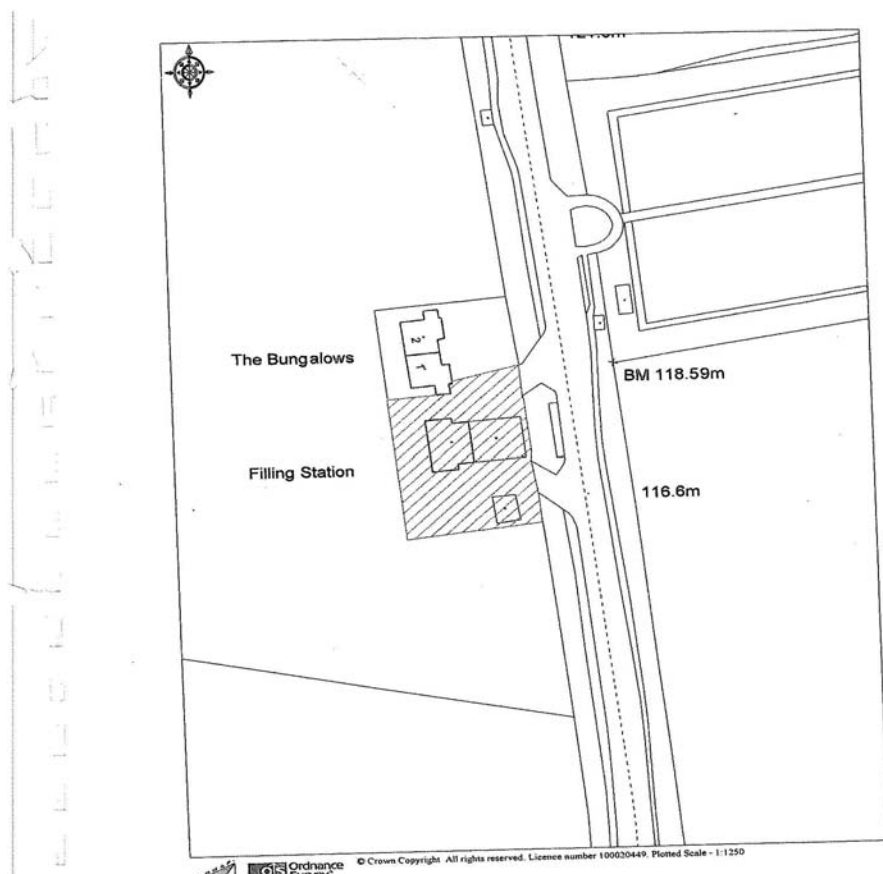
This application would normally constitute a delegated matter under the approved scheme of delegation. It is however being presented to Development Control Committee at the request of a Member of the Council in the interests of regeneration and sustainability.

PROPOSAL

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Outline planning permission is being sought by Storeys SSP on behalf of Mr C Alexander for the erection of 2 no. dwellings on land at the former OK Service Station site located on the northern outskirts of Chilton as shown on the plan below:



Following the completion of the Chilton Bypass, which now runs to the west of the application site, this section of Durham Road has largely become redundant and blocked at one end and now serves as an access to this former service station, the two semidetached bungalows next door (numbers 1 and 2 The Bungalows) and the adjacent cemetery. Following the completion of the by-pass the garage, which included a petrol filling station, closed. The current planning application proposes to demolish the existing buildings on the site to facilitate the erection of two new dwellings.

All matters have been reserved for subsequent approval with the exception of the layout of the proposal. An indicative plan, which accompanies the application, shows the two proposed dwellings and their curtilages to occupy the entire service station site, to the south of the existing bungalows. Set well back from the main highway, they will be served by a layby offering two entrances onto the former A167. Each dwellinghouse is shown to be sited within spacious, landscaped grounds facing onto Durham Road, with the resulting development forming a linear progression of four detached dwellings surrounded by open countryside land.

CONSULTATION AND PUBLICITY RESPONSES

Chilton parish council have made no comment to date.

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Durham County Council as the Highways Authority have indicated that should permission be granted, residents adopt an entry/exit arrangement from the lay-by onto the highway, similar to that of the existing service station. Furthermore, the existing verge and footway to the front of the site including the whole of the island in between is classified as public highway, with a section of this also subject to a Highway Dedication Agreement (24 February 1931.) As such, objections are raised by the Highways Authority to the indicative landscaping on the site, which shows shrub/tree planting along this area of public highway, which should remain undisturbed.

Northumbria Water has also been consulted on this application, but no response has been received at the time of writing this recommendation.

The Council's Landscape Architect has raised no objections to the proposal.

The Council's Arboriculture Officer has requested that the conifer hedge boundary to the west of the site must be retained as it acts as an important screen from the allocated land and bypass beyond. If this proposal is approved, it must be subject to a condition, ensuring the protection and maintenance of this effective screen.

The Council's Environmental Health Team have reviewed the land appraisal report which accompanied the application and agree that ground contamination does exist on the site mainly resulting from its former service station use. This contamination is identified at a depth which should pose no threat if left undisturbed, although there may be a slight danger of groundwater contamination. However, if development does proceed at the site, this would require immediate remedial action, with no development permitted until the LPA are entirely satisfied that the contaminants are remediated to such an extent that no harm will result for human health or the environment. If approved, the applicant would need to contact the Environmental Health Section in the first instance, with approval subject to the imposition of appropriate conditions.

Forward Plans consider that the proposed development fails to accord with national, regional and local planning guidance regarding residential development in the countryside. Despite the application site being Brownfield in nature, there is strong presumption in favour of controlling house building within the countryside. It is concluded that on this occasion, the conflict created with locational policies for housing development far outweigh the positive aspects of re-using Brownfield Land.

As part of the consultation and publicity exercise, site notices were also erected adjacent to the application site and neighbouring properties were informed of the proposal. No adverse comments have been received in response to this exercise.

PLANNING CONSIDERATIONS

When determining this planning application, the main issue to take into account is whether or not the site in question is suitable for residential development in terms of its location and how it would relate to its surroundings. As will be explained, it is the Council's opinion that this proposal adds unnecessary and unsustainable development pressure onto land sited within the open countryside.

As part of the submitted application, the agent has submitted a supporting statement on behalf of Mr Alexander which sets out the main arguments in favour of the proposal. A summary of these arguments now follows, with the Council's response to each point raised in italic:

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- Residential development on this site would satisfy PPS1, PPG3, RPG1 and the Submission Draft RSS which collectively seek to ensure development on Brownfield sites, and within easy access to services by public transport, foot and cycle. Furthermore, this would assist the authority in reaching the 60% Brownfield development targets set down by the Government.

Whilst it is recognised that the development would constitute Brownfield development, it must be argued that there are far more sustainable sites elsewhere within the defined town boundary of both Ferryhill and Chilton which do not place added development pressure on the countryside.

- At a local level, the County Durham Structure Plan states that priority should be given to the redevelopment of existing sites, within a reasonable range of services and facilities. *The application site is located in the countryside with local services being situated in Chilton and Ferryhill..*
- Policies T1, T5 and T14 of RPG1, together with PPG13 promote development within areas served by frequent public transport, with Chilton offering frequent services to Durham, Bishop Auckland and Durham. Furthermore, it is explained that this would provide an increase in car borne travel.

The application site is situated on a 'dead end' road and would not be readily accessible to public transport links.

- PPS7 promotes the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives.

Further reading into Annex A of this policy statement identifies that one of the few circumstances in which isolated residential development of this nature may be justified is when accommodation is required for agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In this instance, the applicant has failed to provide any clear justification for the siting of these dwellings on this site, with this proposal therefore considered to conflict with PPS7 guidance.

- Finally, it is explained "the Sedgefield Borough Local Plan states that it would not normally permit development outside settlement boundaries unless major extensions or rebuilding are not required, there is no harmful effect caused by traffic or environmental impacts on the character of the local countryside; and no significant additional demand upon the provision of public services would result. It is considered that the proposal does not involve any of the above."

This statement has been drawn from Policy H13 of the adopted Local Plan regarding the 'conversion of buildings in the countryside for residential use'. This policy primarily refers to the conversion of buildings in the countryside that are no longer needed for their original use, with a change of use being one way of retaining the original structure. This policy cannot be deemed relevant to this application in light of the fact works will involve the demolition and subsequent rebuild of the entire site. Furthermore, building two new dwellings in this location clearly will have an impact upon the surrounding countryside and environment regardless of the sites current usage.

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In summary, whilst recognising that the proposal constitutes the development of a Brownfield site this does not automatically mean that the site is the best possible site for such housing development within the local area.

Plans clearly show the application site to fall outside of the residential framework of Chilton, with any development of this site therefore being regarded as development encroaching into the countryside. Whilst located within close proximity to the existing two Bungalows adjacent to the application site, it is not considered this is sufficient justification on policy grounds that further development should be permitted, with adopted planning guidance seeking a presumption in favour of Brownfield development in far more sustainable locations other than this.

To justify this argument further, national planning policy, which forms the framework within which local planning policy operates, advises that locations for new residential developments should be in appropriate, sustainable locations with most new development focused in or near to local service centres. As the site is located adjacent to a small group of houses in open countryside rather than an established settlement, the application does not meet these criteria and as such conflicts with PPS1 (Delivering Sustainable Development) and PPS7 (Sustainable Development in Rural Areas). As explained, Annex A of PPS7 does identify that one of the few circumstances in which isolated residential development such as this may be justified is when accommodation is required for agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work. However, in this instance, the applicant has failed to provide any clear justification for the use of these dwellings. Furthermore, with the defined boundary of Chilton located nearby, it may again be argued that any need for housing on this site can be accommodated in a far more sustainable setting nearby.

PPG3 (Housing) and its associated documentation have recently been superseded following the publication of its replacement Planning Policy Statement (PPS3). As explained within this document, Local Planning Authorities are not required to follow PPS3 guidelines before 1st April 2007, however Paragraph 8 of the statement does enable authorities to use PPS3 as a material consideration, in particular circumstances, before 1st April 2007. In light of the above, Government Office for the North East has confirmed that the starting point for determining planning applications continues to be the Local Development Plan, with any decisions relating to this application being made in accordance with the adopted Sedgefield Borough Local Plan and RPG1/Submission Draft RSS, unless other material considerations indicate otherwise.

Issues relating to this application's conformity with the Borough Local Plan will be discussed shortly. However, using the new PPS3 as a material consideration in determining this application, it is clear that whilst PPS3 states that the priority for housing development should be previously-developed land, (and in particular vacant and derelict sites and buildings), housing should only be developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. It is not considered that the application site represents a suitable location in the context of these principles. Whilst the authority should welcome the practice of bringing additional brownfield land back into use, the provision of housing on this particular site would not contribute towards the creation of inclusive sustainable communities and therefore does not accord with the housing objectives of PPS3. Further to this, the Council's Forward Planning Team have advised that for environmental reasons the best option for this land would be to allow or assist the process of returning the land to something resembling a more natural state.

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In addition to national planning policy, Local Plan policy H11 (Development in Ribbons and Groups of Houses in the Countryside) states that sporadic ribbon development such as this does not provide a suitable physical framework for new housing development, and if extended would erode the open nature of the countryside. Furthermore, Local plan policy H12 (Housing in the Countryside for Agricultural or Forestry Workers) makes the same exception for housing development as PPS7 for certain workers to live at, or in the immediate vicinity of, their work. As stated above, the applicant has not supplied the requisite justification for two additional in the countryside, with the proposal considered to promote unsustainable development within the countryside.

CONCLUSION

In conclusion, the principle of housing in this location is considered unacceptable when assessed against its open countryside surroundings. The proposal may involve the reuse of a Brownfield site and the removal of an unattractive, unused land use. However, the proposed development lies outside of any recognised settlement boundary and is located in an unsustainable location in respect of service provision when compared to more centrally located sites within the defined town boundary. No clear justification has been submitted by the applicant as to the need for two dwellings in this location and as such the proposal is unacceptable and contrary to National and Local Plan Policy. As emphasised throughout, more sustainable Brownfield sites may exist elsewhere in the Borough, and to approve this application would potentially set an undesirable precedent resulting in encroachment into the countryside.

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 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 reason:

1. In the opinion of the Local Planning Authority the proposal constitutes unsustainable residential development in the open countryside contrary to the established policy of resisting new residential development within the countryside to that which is required by persons solely or mainly in agriculture or forestry for whom it is essential to live in close proximity to their place of employment in order to perform their duties. No such justification for dwellings has been provided or proven in this case. The proposal is therefore contrary to Sedgfield Borough Local Plan Policies H11 (Development in ribbons and groups of houses in the countryside) and H12 (Housing in the countryside for agriculture or forestry workers) and the more current guidance of PPS 1 (Delivering sustainable development), and PPS7 (Sustainable development in rural areas.)

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3. 7/2006/0772/DM APPLICATION DATE: 7 December 2006

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

LOCATION: **47 ROTHBURY CLOSE TRIMDON GRANGE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr Jamie Bidgood
47 Rothbury Close, Trimdon Grange, Co Durham

CONSULTATIONS

1. TRIMDON P.C.
2. Cllr. Mrs L. Hovvels
3. DCC (TRAFFIC)
4. BUILDING CONTROL
5. ENGINEERS

NEIGHBOUR/INDUSTRIAL

Rothbury Close:44,45,46,48,49,20
Berry Avenue:12,11

BOROUGH PLANNING POLICIES

H15 Extensions to Dwellings

PROPOSAL

This application would normally be determined under the approved scheme of delegation. However the applicant is related to a member of the Council and as such the application is presented to Development Control Committee for consideration and determination.

Planning permission is being sought by the 'Sedgefield Home Improvement Agency' on behalf of Mr Jamie Bidgood for the erection of a single storey extension to the rear of 47 Rothbury Close, a residential bungalow, situated in Trimdon Grange.

The proposal entails a rear extension approximately 2 metres deep and projecting approximately 2.7 metres towards the side boundary with number 46 Rothbury Close, with an additional en-suite to one of these rooms. The side extension will see the removal of a shed to the side of the property and a reduction in the depth of the driveway to approximately 11000mm, whilst maintaining a 1-metre separation distance to the side boundary with number 46.

The proposal also includes the installation of new disability access ramp to both the side entrance and rear of the property, the widening of the main entrance hallway to facilitate internal disabled access, and the creation of a new bathroom

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Number 47 Rothbury Close presently benefits from a reasonably large rear garden, bounded by tall wooden fences and hedgerows. To the rear lies a short panelled wooden fence, adjacent to a substantial Leylandii hedge, which obscures any direct view into the rear garden of 49 Rothbury Close. The rear garden of number 48 Rothbury Close is completely enclosed by fencing, Leylandii hedging and shed structures. Finally, the boundary with number 46 Rothbury Close contains semi-panelled, moderately tall fencing, which does allow for some direct view into the rear garden area.

CONSULTATION AND PUBLICITY RESPONSES

As part of the consultation and publicity exercise, letters were sent to all of the neighbouring properties. Trimdon Parish Council, Durham County Highways, Sedgefield Borough Highways Engineers and Building Control were also invited to make comment.

To date no adverse comments have been received in response to this consultation and publicity exercise.

PLANNING HISTORY

There is no planning history for the application site

PLANNING CONSIDERATIONS

This 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 the overall size of the host property, it is considered that this development would be of a scale in keeping with the existing dwelling. The design of the extension would also replicate certain aspects of the host property such as the pitch and roof design, and would be of a standard design similar to many others on this street scene. Furthermore, the development would mostly be located to the side and rear of the property and would minimal impact upon the streetscene.

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 extension projects by approximately 2.1 metres from the original rear elevation of the dwelling and is therefore in keeping with the SPD guidance. Furthermore, plans show this extension to be subordinate in nature when viewed from the front elevation, incorporating a lower set ridgeline.

To the rear, plans show the new gable end to be a simple extension of equal height and pitch to the existing. Whilst not subordinate, it is considered that the impact of this extension on neighbouring properties is negligible, with only the rear street scene being able to view this.

The SPD also seeks to safeguard the amenity/privacy of neighbouring properties through the provision of obscured glazing or additional screening where necessary. As explained, plans show the proposed extension to the side to fall one metre from the boundary with number 46 Rothbury Close. However, no windows will be placed into this extension, with all windows facing

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into the rear garden area. Plans show only one existing side window to remain in this northern elevation, with little need for this to be obscured, as it will continue to look onto the adjacent detached garage structure owned by the occupants of number 46. Furthermore, this window will only serve a proposed cloakroom space. As such, there exists little potential for direct overlooking onto neighbouring properties with no subsequent cause for concern.

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.)

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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION

It is recommended that this application be approved subject to the following conditions:

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.

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.

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